

Submittal accepted and  
verified by:

\_\_\_\_\_  
Planning Staff Signature

**City of Franklin**  
**Department of City Development**  
9229 W. Loomis Road  
Franklin, Wisconsin 53132  
(414) 425-4024 ♦ Fax (414) 427-7691  
[tere@wi.rr.com](mailto:tere@wi.rr.com)

Date Stamp:

**SUBMITTAL PROCEDURES AND CHECK LISTS FOR**  
**SPECIAL USE REVIEW**

Ashley Booth, Planner 9229 W. Loomis Road Franklin, WI 53132	Tere Wilson, Secretary Monday – Friday 8:30 a.m. to 5:00 p.m. <a href="mailto:twilson@franklinwi.gov">twilson@franklinwi.gov</a>	Ryan Mentkowski, Planner (414) 425-4024 Fax (414) 427-7691
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All Special Use applications must be prepared in accordance with the instructions and information requirements contained herein as well as requirements of the City of Franklin Unified Development Ordinance (UDO).

A pre-application conference is required prior to application submittal. Concerns including zoning, land use, access, environmental preservation, grading, etc. may be addressed.

☐ **Submittals by appointment only.** Please call Planning Secretary for appointment.

Application packets shall include: *(Staff may require additional information as needed.)*

☐ **Completed Application Form**

☐ **Processing Fee**, payable to City of Franklin

Special Use	<input type="checkbox"/> \$1,500
Amendment	<input type="checkbox"/> \$1,000
Special Use Under 4000 sq ft	<input type="checkbox"/> \$ 750
Special Use Renewal (Multi-year)	<input type="checkbox"/> \$1,000
Special Use Renewal (annual)	<input type="checkbox"/> \$ 300

☐ **Owner Verification** If the applicant is not the owner of record, the legal owner's signature must be on the application OR a letter of authorization from the owner must accompany the application.

☐ **Special Use UDO Plan Review Checklist** Completed, signed and attached. (see attachment)

☐ **Letter of Intent and Project Description** showing the relationship of proposed Special Use to the City's adopted Comprehensive Master Plan, detailed neighborhood or planning district plans.

☐ **Submittal Copies** A submittal is not complete and will not be reviewed until correct number of sets, collated and folded to 8-1/2" x 11", are submitted:

☐ **Ten (10)** full-sized sets of the General Site Plan.

☐ **Legal Description** Please type or print legibly on a separate sheet of paper. Additionally, email to [twilson@franklinwi.gov](mailto:twilson@franklinwi.gov).

**Caution: NO disturbance of land, including grading, brush cutting and filling, without submittal of a Natural Resource Protection Plan, is allowed.**

### **Incomplete applications will not be accepted**

When completed project is submitted and reviewed by City staff which meets all City requirements and requirements of the City of Franklin Unified Development Ordinance, the application will be placed on a Plan Commission agenda for Public Hearing.

Following Public Hearing, the Special Use request will be placed on the next regular Plan Commission meeting for recommendation to Common Council.

Within 30 days of Plan Commission recommendation of approval, conditional approval or denial, the application will be forwarded to Common Council for action. Common Council may approve, conditionally approve or deny the Special Use request. (If the Special Use request is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the applicant.)

Approved Special Use Resolution will be mailed to the Milwaukee County Register of Deeds to be recorded.

A copy of the recorded Resolution with Document information will be mailed to the owner or agent address.

## **City of Franklin Planning Department General Submittal Information**

<p><b>Caution: NO disturbance of land, including grading, brush cutting and filling, without submittal of a Natural Resource Protection Plan, is allowed.</b></p>
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1. A pre-application conference is required before submittal of the application. Please contact the Planning Department to schedule this conference. No applications will be accepted until the pre-application conference has been held.
2. Application submittal is by appointment only. When submittal material is deemed complete and correct by Planning staff, the review process will begin.
  - ❖ Applicant must schedule a Staff Review Conference thru the Planning Secretary. Applicant must be present at the Staff Review Conference.
3. **Staff Review Conference.** Staff will meet with the applicant and/or the applicant's consultant(s) to provide comments.
4. **Revised Plans.** Applicant must submit copies of revised plans for review as soon as revisions are completed.
5. **Staff Review of Revisions.** Staff will complete review of revised plans within one (1) week of submittal.

If Staff finds revisions to be complete and correct, the applicant will be contacted and advised that they can bring in complete collated copies (22) for the next Plan Commission meeting agenda. Plan Commission packet copies must be submitted no later than 4:00 p.m. the Thursday before the next meeting.

Should you have any questions concerning the application or any other aspect of the review process, please contact the Planning Department during the hours indicated above.

# City of Franklin – Planning Department Special Use Application

Project Name \_\_\_\_\_

## PROPERTY INFORMATION

Tax Key Number(s) \_\_\_\_\_

Property Address or Section & 1/4 Section \_\_\_\_\_

Current Zoning \_\_\_\_\_ Proposed Zoning (if applicable) \_\_\_\_\_

Present Use \_\_\_\_\_ Intended Use \_\_\_\_\_

**APPLICANT** If the applicant is not the owner of record, the legal owner/owners' signature must be on the application OR a letter of authorization from the owner must accompany the application.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email Address \_\_\_\_\_

## CONTACT PERSON FOR PROJECT (Surveyor/Attorney/ Architect/Engineer)

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email Address \_\_\_\_\_

Applicant agrees that any approval issued on representations made in this submittal, and any subsequently issued building permits or other type of permits may be revoked without notice if there is a breach of representations or conditions of approval. Applicant/owner by signature understands and accepts responsibility for completion of all required on-site and off-site improvements as shown and approved on final plan (including landscaping, paving, lighting, etc.) prior to receiving a Certificate of Occupancy.

By the execution of this Application, Applicant authorizes the City of Franklin or its agents to enter upon the property between 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection. Applicant grants this authorization even if Applicant has posted this property against trespassing pursuant to Section 943.13 Wis. Stats.

Applicant hereby certifies that: (1) All statements and other information submitted as part of this application are true and correct to the best of Applicant's knowledge; and (2) APPLICANT HAS READ AND UNDERSTANDS ALL INFORMATION IN THIS PACKET.

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Natural Resource Protection Plan Information

**Applicant further understands and agrees that all letters of "no natural resources" and Natural Resource Protection Plans (NRPP) will be reviewed by a consulting agent\* of the City of Franklin and that any costs of said review (including, but not limited to, time, mailing and/ or delivery fees) will be the responsibility of the applicant and paid to the City of Franklin prior to the special use being final.**

**Applicant also understands and agrees that the Special Use application will be accompanied by either:**

**1) a letter from a qualified natural resource specialist stating that there are no natural resources to be protected on the property in question; or**

**2) a completed NRPP and NATURAL RESOURCE PROTECTION PLAN CHECKLIST (attached).**

**Either or both 1) and 2), above, are at applicant's expense.**

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

◆ Will do "no natural resources" letters.

1. Cedarburg Science, LLC — 262-376-0735 ◆  
Ginny Plumeau  
Heather Patti

2. Graef, Anhalt, Schloemer & Associates 414-259-1500 ◆  
Eric Parker  
Tina Schultheiss

3. R. A. Smith & Associates, Inc. 262-786-1777 (Public Sector Only)  
Sarah Johnson  
Brian Turk

## SPECIAL USE CHECKLIST

### UDO 15-3.0700

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[illegible]

**Staff Notes**

**Reviewer's Initials:**



## SITE PLAN CHECKLIST

<b>Date of Submittal</b>			
<b>Tax key ID #</b>			
<b>Project Name</b>			
<b>Staff Use</b>	<b>Complete or NA</b>	<b>Required Information</b>	<b>Ordinance #</b>
		Scale and Name of Project	15-7.0103-A
		Owner's and/or Developer's Name and Address	15-7.0103-B
		Architect, Surveyor and/or Engineer's Name and Address (seal and/or stamp)	15-7.0103-C
		Date of Site Plan Submittal with all Dates of Revisions w/ Reviser's Initials	15-7.0103-D
		Site Size in Square Feet and Acres	15-7.0103-E
		Existing and Proposed Topography (2' intervals)	15-7.0103-F
		Soils Data	15-7.0103-G
		Off Street Parking Spaces, Loading, Ingress and Egress, Driveway Locations of Adjoining Prop.	15-7.0103-H
		Type, Size, and Location of All Existing and Proposed Structures and Signs	15-7.0103-I
		Building Height	15-7.0103-J
		Existing and Proposed Street Names	15-7.0103-K
		Existing and Proposed Public Street Rights-of-way or Reservations	15-7.0103-L
		Building and Yard Setbacks	15-7.0103-M
		Proposed Sanitary Sewers, Storm Sewers and Water Mains	15-7.0103-O
		Proposed Stormwater Management Facilities	15-7.0103-P
		Natural Resource Protection Plan*	15-7.0103-Q
		Landscape Plan**	15-7.0103-R
		Site Intensity and Capacity Calculations	15-7.0103-S
		Pedestrian Sidewalks and Walkways	15-7.0103-T
		Development Staging/Phasing	15-7.0103-U
		Arch. Plans, Elevations, and Perspective Drawings and Sketches, Materials, Color Samples	15-7.0103-V
		Lighting Plan* with Photometrics	15-7.0103-W
		Easements (existing and proposed) with Dimensions	15-7.0103-X
		Highway Access	15-7.0103-Y
		Existing and Proposed Zoning Boundaries	15-7.0103-Z
		Market Analysis (required for commercial properties greater than 30,000 sq. ft. land area)	15-7.0103-AA
		Project Summary (Fiscal Impact, Operat. Info., Bldg-phasing Schedule, Est. Project Costs)	15-7.0103-CC
		Value and Site Improvements Costs	
		Additional Data as required by Planning, Engineering, or Plan Commission	15-7.0103-DD
		Vision Corner Easements	

\* If required      \*\* If natural resources, as defined in the City of Franklin Unified Development Ordinance, are present

**Staff Notes**

**Reviewer's Initials:** \_\_\_\_\_

## LANDSCAPE PLAN CHECKLIST

Staff Use	Complete or NA	Required Information	Ordinance #
		Location	15-7.0301-B
		Names, addresses & phone numbers of Owners, Subdividers, Lessee and/or Developers	15-7.0301-C
		Date and all Applicable Revision Dates	15-7.0301-D
		Site Boundary	15-7.0301-E
		Landscape Bufferyard Easements and Natural Resource Mitigation Areas	15-7.0301-F
		Location, extent, types & sizes of existing trees and Natural Resource features	15-7.0301-G
		Location, extent, types & sizes of landscape materials and plantings	15-7.0301-H
		Natural Resource Features Mitigation Plan	15-7.0301-I
		Provisions for maintenance of Landscape Easement Areas	15-7.0301-J
		The planting list is free of prohibited species.	
_____ Signature of the person preparing this checklist			
<b>Staff Notes</b>		<b>Reviewer's Initials:</b> _____	

## LIGHTING CHECKLIST

Staff Use	Complete or NA	Required Information	Ordinance #
		Catalog page, cut sheet or photograph of the luminaire, including the mounting method	15-5.0402 (B)(1)
		Photometric data test report of the proposed luminaire graphically showing the lighting distribution at all angles vertically and horizontally around the luminaire.	15-5.0402 (B)(2)
		Plot plan indicating the location of the proposed luminaire(s), mounting and/or installation height(s) in feet, the overall illumination levels (in footcandles) & uniformities on the site and the illumination levels (in footcandles) at the property boundary lines.	15-5.0402 (B)(3)
		Graphic depiction of the luminaire lamp (or bulb) concealment and light cut-off angles.	15-5.0402 (B)(4)
_____ Signature of the person preparing this checklist			
<b>Staff Notes</b>		<b>Reviewer's Initials:</b> _____	





# **Natural Resource Protection Plan Summary**

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## **PART I.**

### **When Natural Resource Protection is Required (2003-1747, Section 17)**

Natural resource protection is required for all *development* and for each parcel of land to be used or built upon in the City of Franklin including all new certified survey maps, preliminary plats, condominiums, multiple-family residential developments, and all nonresidential development.

All new ***development*** (including building and/or site improvements[15-4.0101]) must comply with the natural resource protection standards set forth in **Table 15-4.0100 (see page 5 of this document)**.

*Please note that 15-3.0103 of the UDO defines “development” as the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. Any made-made change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials. The following activities or uses shall be taken for the purposes of these regulations to involve “development”:*

*A reconstruction, alteration of, or material change in the external appearance of a structure on land or water; or  
A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the floor area or number of businesses, manufacturing establishments, or offices; or  
Alteration of a shore or bank of a pond, river, stream, lake, or other waterway; or  
Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land; or  
Demolition of a structure; or  
Clearing of land as an adjunct of construction, including clearing or removal of vegetation, any significant disturbance of vegetation, or any soil manipulation; or  
Deposit of refuse, solid or liquid waste, or fill on a parcel of land.*

**Natural Resource Protection Standards (15-8.0305B9).** All natural resource features shall be preserved and protected at all times, pursuant to the requirements of Part 4 of this Unified Development Ordinance, which is specifically applied to land disturbance, whether such land disturbance is independent of, prior to, or associated with any other development, including, but not limited to, those setting forth any buffer or setback requirements. Every application for a Construction Site Erosion Control Permit shall contain a statement that the proposed land disturbance area is not within 100 feet of a natural resource feature, if true, which shall be confirmed by the City Engineer or designee by inspection. Every application for such permit for a land disturbance within 100 feet of a natural resource feature shall include the submission by the applicant of a Natural Resource Protection Plan or such permit shall not be granted.

All of the natural resources required to be protected under Part 4 of the Franklin Unified Development Ordinance (UDO) must remain undisturbed and in a natural state except those natural resources where mitigation is permitted. If permitted, mitigation must comply with those requirements set forth in Part V. of this document.

Exclusions (When Natural Resource Protection is not Required [2003-1747 Section 18, 31]).

Natural resource protection shall not be required for the construction of single-family and two-family residential development located on non-divisible existing lots of record within existing platted subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on August 1, 1998, the effective date of the UDO or for which a natural resource protection plan was filed at the time of division after August 1, 1998.

Natural resource protection standards shall not be applicable to essential services and their associated easements, however, natural resources that are disturbed in order to provide for essential services must be restored after construction.

## **PART II.**

### **Protected Natural Resources Definitions (15-4.0100):**

- Steep Slopes
- Mature Woodlands
- Young Woodlands
- Lakes and Ponds
- Streams
- Shore Buffers
- Floodplains/Floodways/Floodlands
- Wetland Buffers (2003-1747 Section 19)
- Wetlands and Shoreland Wetlands

**Steep Slopes:** Three categories of steep slopes are defined within the UDO. These categories are based upon the relative degree of the steepness of the slope as follows: ten (10) to twenty (20) percent, twenty (20) to thirty (30) percent and greater than thirty (30) percent. No land area shall be considered a steep slope unless the steep slope area has at least a ten (10) foot vertical drop and has a minimum area of five thousand (5,000) square feet. Steep slopes exclude man-made steep slopes.

Steep Slopes are to be determined through the use of the following sources in the order indicated below. If the first source is considered inaccurate or inappropriate the second source shall be used.

1. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet.
2. Large scale 1"=100' City of Franklin topographic maps.

### **Woodlands (Mature and Young)**

**Mature Woodland:** An area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least (10) ten inches; or any **grove** consisting of eight (8) or more individual trees having a DBH of at least twelve (12) inches whose combined canopies cover at least fifty (50) percent of the area encompassed by the grove. However, no trees grown for commercial purposes should be considered a mature woodland.

**Young Woodland:** An area or stand of trees whose total combined canopy covers an area of one-half (0.50) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three (3) inches. However, no trees grown for commercial purposes shall be considered a young woodland.

The determination of mature and young woodland and forest boundaries should be based on the following sources:

1. 1"=400' aerial photographs prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and available from SEWRPC.

2. A field survey of trees compiled by a registered land surveyor and identified by a landscape architect, forester, arborist, or botanist with a professional degree in one of those fields. *The location, size, and species of all healthy trees having a diameter of eight (8) inches or greater Diameter at Breast Height (DBH) that are located in woodland and forest areas within twenty-five (25) feet of any proposed improvement and/or in woodland and forest areas to be demolished due to the placement of improvements or grading are to be graphically shown on the NRPP or submitted as a separate drawing. For the remaining undisturbed areas of the development, Certified Survey Map, Subdivision Plat, or Condominium only the outline of woodland and forest areas indicating whether they are mature woodlands is required.*

**Lake:** Any body of water two (2) acres or larger in size as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.

**Pond:** All bodies of water less than two (2) acres in area as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.

If need be, the following sources should be used to determine the presence of lakes and ponds.

1. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet.
2. Large scale 1"=100' City of Franklin topographic maps.
3. U.S.G.S. 7.5-minute topographic quadrangle maps.

**Stream:** A course of running water, either perennial or intermittent, flowing in a channel.

1. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet.
2. Large scale 1"=100' City of Franklin topographic maps.
3. U.S.G.S. 7.5- minute topographic quadrangle maps.

**Shore Buffer:** The undisturbed land area (including undisturbed natural vegetation) within seventy-five (75) feet landward of the ordinary high water mark of all navigable waters (lakes, ponds, and streams) and parallel to that ordinary high water mark. Shore buffers do not include any area of land adjacent to any stream enclosed within a drainage structure such as a pipe or culvert. The Wisconsin Department of Natural Resources field representative will provide determinations of navigability when needed.

**Floodplain Fringe:** Those floodlands outside of the floodway that are subject to inundation by the 100-year recurrence interval flood. For the purpose of this ordinance, the floodplain fringe includes the Floodplain Conservancy District and the Floodplain Fringe Overlay District.

**Floodway:** A designated portion of the 100-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.01 foot unless special legal measures are provided. The floodway, which provides the channel, is that portion of the floodplain not suited for human habitation. All fill, structures, and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.

**Floodlands:** Those lands, including the channels, floodways, and floodplain fringe of any given reach, which are subject to inundation by the flood with a given recurrence frequency. The 100-year recurrence interval flood [or that flood having a one (1) percent probability of occurring in any given year] is generally used for zoning regulation. Other flood events used in this Ordinance are the 50-year recurrence interval flood [or that flood having a two (2) percent probability of occurring in any given year] and the 10-year recurrence interval flood [or that flood having a ten (10) percent probability of occurring in any given year]. Where detailed flood data is not available, the maximum flood of record is used.

**Wetland:** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

#### *Exemptions*

*The following artificial wetlands are exempt from the wetland protection provisions of the Unified Development Ordinance:*

1. *Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes.*
2. *Active sewage lagoons, cooling ponds, waste disposal pits, fish rearing ponds and landscape ponds.*
3. *Actively maintained farm drainage and roadside ditches.*
4. *Artificial wetlands within nonmetallic mining operations.*

**Shoreland Wetland:** A wetland that is located within a shoreland area (lands lying within one thousand (1000) feet of a lake, pond, or flowage or three hundred feet from a river or stream, or to the landward side of floodplain areas.

**Wetland Buffers:** Wetland Buffers are to be determined as the undisturbed land area (including undisturbed natural vegetation) within thirty (30) feet landward of the delineated boundary of any wetland and parallel to that delineated wetland boundary.

### **PART III.**

**Table 15-4.0100 Natural Resource Protection Standards (d)**

Natural Resource Feature	Zoning District Type					
	Agricultural		Residential (a)		Non-Residential (b)	
	Protection Standard	Mitigation Permitted	Protection Standard	Mitigation Permitted	Protection Standard	Mitigation Permitted
<b>Steep Slopes:</b> 10-19% 20-30% +30%	0% 65% 90%	N/A No No	60% 75% 85%	No No No	40% 70% 80%	No No No
<b>Mature Woodlands</b>	70% (e)	No	70% (e)	No	70% (e)	Yes
<b>Young Woodlands</b>	50% (e)	No	50% (e)	Yes	50% (e)	Yes
<b>Lakes &amp; Ponds</b>	100%	No	100%	Yes	100%	Yes
<b>Streams</b>	100% (c )	No	100% (c )	No	100% (c )	No
<b>Shore Buffers</b>	100% (c )	No	100% (c )	No (f)	100% (c )	No (f)
<b>Floodplains/ Floodways/ Floodlands</b>	100% (c )	No	100% (c )	No	100% (c )	Yes
<b>Wetland Buffers</b>	100% (c )	No	100% (c )	No	100% (c )	Yes
<b>Wetlands and Shoreland</b>	100% (c )	No	100% (c )	No	100% (c )	Yes

<b>Wetlands</b>						
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- (a) Including residential "Planned Development Districts" (or residential portions thereof). Said natural resource protection standards shall not be applicable to essential services and their associated easements. Private roads, public rights-of-way for arterial streets, highways, collector streets, and minor streets within the boundaries of a residential development site are considered residential development.
- (b) Including non-residential "Planned Development Districts" (or non-residential portions thereof). Said natural resource protection standards shall not be applicable to essential services and their associated easements.
- (c) As regulated by this Unified Development Ordinance except as may otherwise be allowed under this Ordinance, including but not limited to, its provisions for special exceptions, variances and permitted and special uses.
- (d) Resource protection percentages indicated in this table represent the portion of the total natural resource feature present on a site which must be preserved (Ordinance 2003-1747, Section 31).
- (e) All woodland and forest areas are at all times subject to these natural resource protection standards. The clearing or removal of trees within a woodland is development and subject to these natural resource protection standards. Any proposed change to a woodland is a change of use and would require the issuance of a Zoning Compliance Permit in order to assure that required protection levels are met under the standards set forth under this UDO.
- (f) Mitigation is allowed for shore buffers and streams only in cases of crossings (street, bicycle or pedestrian) which are determined to be in the best interests of the City and which crossings are at or near a 90 degree angle to the water resource being crossed. Those shore buffer areas that are disturbed for a crossing and that cannot be restored must be mitigated.

## **PART IV.**

### **Natural Resource Protection Plan Requirements 15-7.0201**

**Location and Extent of Existing Natural Resource Features (15-7.0201 I).** The location and extent of any existing natural resource features (steep slopes, young and mature woodlands or groves, wetlands and shoreland wetlands, wetland buffers, floodplains/floodways/floodlands, lakes and ponds, streams and shore buffers, defined and described in Part II. and Part III. of this summary document. Each individual resource area on the site shall be graphically and numerically shown on the Natural Resource Protection Plan.

The date of all wetland delineations and the name of the individual that delineated the wetland must be indicated on the Natural Resource Protection Plan (delineation must have been completed within past 5 years).

**Disturbed and Preserved Natural Resource Features (15-7.0201 J).** Graphic and numerical illustration shown on the "Natural Resource Protection Plan" of those existing natural resource features that will be disturbed and those that will be preserved. The illustration of the area (in square feet or acres) of each existing resource and those areas of resources that are to be preserved. Numerical data may be shown in tabular form with labeled reference to specific areas designated on the NRPP. Any areas of the site where natural resources are to be mitigated and how and where the mitigation is to take place with natural resource protection easements shall be indicated.

**Method of Natural Resource Preservation (15-7.0201 K).** Graphic illustration and notes relating to how those natural resource features which are to be preserved will actually be preserved in perpetuity (conservation easements, deed restrictions, protective covenants, etc.).

**Setbacks (2003-1747 Section 50, 55, 56, 58, 59).** A 30' wetland buffer and a 50' wetland setback must be shown adjacent to all preserved wetlands. A 75' shore buffer must be shown adjacent to all navigable streams. Wetland buffers and shore buffers must be graphically indicated and dimensioned on the Natural Resource Protection Plan. Natural resource setbacks must also be depicted on preliminary plats, final plats, condominium plats, certified survey maps, and site plans.

**Basic Information (15-7.0201 A-H, L-M).** The proposed development name, location of the development, project, or CSM, name of owners and/or developer, date of NRPP submittal with all applicable revision dates, site boundaries, lot lines, right-of-way lines, easements, and existing streets must be shown on the NRPP. A north arrow, scale and existing and proposed contour lines must be shown at a maximum two (2) foot contour interval.

## **PART V.**

### **Mitigation (15-4.0103)**

#### **Intent of Mitigation (15-4.0103A).**

The City of Franklin recognizes that, under certain circumstances, property owners, Subdividers, or non-residential Condominium Developers may wish to develop in portions of those protected natural resource feature areas that are shown as eligible for mitigation as indicated at Table 15-4.0100 (See Page 5). The conditions for mitigation and mitigation standards follow below. The intent of this Section is not to provide for or allow mitigation under all circumstances, but rather to set specific standards to be applied only under certain circumstances when the extent of or the nature of the natural resource features on a site, when balanced against the benefit of the proposed development to the community, considering practicable alternatives available for the development, render strict application of the natural resource protection regulations to such natural resource features to be unreasonable and that such natural resources features may be better preserved and/or enhanced by using a more permissive mitigation approach, so that the functional values of natural resource features will be preserved or enhanced in co-existence with development.

#### ***Mitigation Standards (15-4.0103B).***

##### **Woodlands and Forests Mitigation.**

- 70% of mature woodlands must be preserved on properties that are being developed. Mitigation of mature woodlands is only allowed for non-residential developments.
- 50% of young woodlands must be preserved on properties that are being developed. Mitigation of young woodlands is permitted for residential and non-residential development.
  - a. Mitigation must include the planting of one and one-quarter (1.25) acres of new woodland for every one (1) acre, or portion thereof, of disturbed woodland for which mitigation is required. The new woodland shall survive at least two (2) growing seasons, or shall be replaced.
  - b. Mitigation should take place using the following numbers of plants per acre of mitigated area:
    - 10 canopy trees, minimum 4-inch caliper\*
    - 25 canopy trees, minimum 2.5-inch caliper\*
    - 100 canopy trees, minimum 5-foot high whips
    - 35 understory trees, minimum 5-foot high whips
    - 30 shrubs, minimum 12-inches high

\*Note: 4-inch caliper canopy trees may be substituted with 12-foot high evergreen trees; 2.5- inch caliper canopy trees may be substituted with 6-foot high evergreen trees.
  - c. The species of plants used in the mitigation of woodlands must be similar to those that are destroyed.
  - d. The land upon which the mitigation is to take place must be protected with a deed restriction and conservation easement as a permanent natural resource features conservation easement.

##### **Lakes and Ponds Mitigation**

Lakes and Ponds are required to be protected at a 100% ratio. Mitigation is permitted for both residential and non-residential development. Lakes and ponds can only be mitigated if the mitigation is part of a City Engineer approved stormwater drainage system that meets, at the minimum, all of the following criteria:

- a. The time of concentration of stormwater flows remains unchanged or is lengthened.
- b. Stormwater capacity is unchanged or increased.
- c. Additional water is not backed up onto adjoining properties.

### **Floodplains and Floodlands Mitigation**

Floodplains and Floodlands are required to be protected at a 100% ratio. Mitigation is only permitted for non-residential development.

### **Wetlands and Shoreland Wetlands Mitigation**

Wetlands and shoreland wetlands are required to be protected at a 100% ratio. Mitigation is only permitted for non-residential development and may also require approval by the Wisconsin Department of Natural Resources. For residential development, a grant of special exception is the only means by which wetlands can be disturbed or mitigated. Where permitted, wetland mitigation must occur at a ratio of 1.5 acres for each 1.0 acres permanently disturbed.

### **Shore Buffers Mitigation (Ordinance 2003-1747)**

Shore buffers are required to be protected at a 100% ratio. A grant of special exception is the only means by which shore buffers can be mitigated. If mitigation is permitted by special exception, the disturbed shore buffer must be restored to a shore buffer of equal or greater quality than that existing prior to disturbance and/or through expansion of other existing shore buffer on the same property on which the shore buffer disturbance occurred. Where shore buffer is created or expanded, mitigation requires new/expanded shore buffer at a ratio of 1.5 times the shore buffer acreage permanently disturbed. Restored and created new shore buffer shall be planted with native plant species and provide for soils of equal or greater quality than those found in the disturbed shore buffer.

Mitigation is allowed for shore buffers and streams only in cases of crossings (street, bicycle or pedestrian) which are determined to be in the best interests of the City and which crossings are at or near a 90 degree angle to the water resource being crossed. Those shore buffer areas that are disturbed for a crossing and that cannot be restored must be mitigated (Ordinance 2003-1747, Section 21).

### **Wetland Buffer Mitigation (Ordinance 2003-1747)**

Wetland buffers are required to be protected at a 100% ratio. Mitigation is permitted for non-residential development. Mitigation would only be permitted for residential development upon the grant of a Special Exception. Mitigation would require the restoration of the disturbed wetland buffer to a wetland buffer of equal or greater quality than that existing prior to disturbance and/or through expansion of other existing wetland buffer and/or creation of new wetland buffer on the same property on which the wetland buffer disturbance occurred. Where new wetland buffer is created or expanded, mitigation requires new/expanded wetland buffer at a ratio of 1.5 times the wetland buffer acreage permanently disturbed. Restored and created new wetland buffer shall be planted with native plant species and provide for soils of equal or greater quality than those found in the disturbed wetland buffer. Restored and created new wetland buffer shall comply with the minimum width of 30 feet.

### **Off-Site Mitigation (15-4.0103 C)**

Off-site mitigation may be permitted by the Plan Commission provided that such off-site mitigation occurs within the same subwatershed as the natural resource feature or property being mitigated and follows the methods, requirements, standards, and/or criteria set forth in the Mitigation Standards as set forth above.

### **Performance Surety (15-4.0103 D)**

The Plan Commission or the Common Council may require a Letter of Credit or another surety, as approved by the City Attorney, to insure compliance with Natural Resource Protection Standards.

## **PART VI.**

### **Protection of Existing Trees and Flora (15-8.0204)**



The subdivider or developer must make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered. Towards that end, the following minimum procedures shall be followed during construction:

- A. **Methodology for Tree Preservation to be reviewed by Plan Commission (15-8.0204A).** The subdivider's or condominium developer's (as applicable) proposed method for preserving trees shall be reviewed by the Plan Commission or its staff during the Preliminary Plat, Certified Survey Map, or Condominium approval phase of application to the City. If in the opinion of the Plan Commission, the Subdivider or Condominium Developer (as applicable) has not taken the necessary precaution in preserving existing trees as required by this Ordinance, no Zoning Compliance Permit or Special Use Permit shall be issued, or plat approved, until such time as the subdivider or Developer (as applicable) amends plans for the preservation of such existing trees.
- B. **Limitations on Encroachment of Grading and Construction Equipment (15-8.0204B).** All grading and construction equipment shall be forbidden from encroaching within the tree's drip line.
- C. **Material Dumping Prohibited within Tree Drip Line (15-8.0204C).** Materials detrimental to the tree shall not be dumped or placed within a tree's drip line or at any higher elevation than the base of the tree where drainage toward the tree could adversely affect the health of the tree. Said materials shall include, but not necessarily be limited to, excess soil, stone or rock, additional fill, equipment, liquids, or construction debris.
- D. **Snow fence required (15-8.0204D).** During grading and construction, a snow fence shall be installed at the periphery of the tree's drip line.
- E. **Attachments to trees prohibited (15-8.0204E).** No attachments or wires, other than those of a protective or nondamaging nature, shall be attached to any trees to be preserved during construction.
- F. **Tree Destruction and Replacement (15-8.0204F).** In the event that a tree designated on the approved Preliminary Plat, Certified Survey Map, Condominium or "Natural Resource Protection Plan" for preservation should be destroyed or razed during the construction process, the Subdivider or Condominium Developer (as applicable) shall replace such tree of a species approved by the Plan Commission and having a diameter of not less than the tree so destroyed or razed. No one replacement, however, shall exceed six (6) inches in diameter as measured at twelve (12) inches above the ground level. However, several smaller diameter trees having a combined diameter equal to the tree razed or destroyed shall be planted for trees larger than six (6) inches at the ratios set forth in Table 15-8.0204. Said replacement trees shall be placed in the approximate location of the tree, or trees, so destroyed. Said replacement trees shall not be counted toward any mitigation measures which may be required of the Subdivider or Condominium Developer (as applicable) as specified elsewhere in this Ordinance.

**Minimum Tree Replacement Requirements**

<b>Size of Tree Destroyed or Razed (in DBH)</b>		<b>Replacement Tree Requirements</b>
	<b>Number of Trees Required (in Caliper)</b>	<b>Minimum Size of Each Tree Required (in Caliper)</b>
8 to 10 inches	1	3 inches
11-16 inches	2	3 inches
17-24 inches	3	3 inches
25-30 inches	4	3 inches
31-36 inches	5	3 inches

Greater than 36 inches	6	3 inches
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## PART VII.

### **Other Related Natural Resources Definitions**

**Caliper:** A measurement of the diameter of a tree taken six (6) inches from above the ground level for trees up to and including four (4) inch caliper sizes, and twelve (12) inches above the ground for larger sizes.

**Drip Line:** The farthest distance, measured as a radius and the total area encompassed thereby, where the branches of a tree extend from its trunk indicating the extent of the canopy of a tree.

**Diameter at Breast Height (DBH)** The diameter of the trunk of a tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature trees.

**Wetland Setback:** All of that landward land area defined by the minimum required horizontal setback distance of fifty (50) feet from a delineated wetland boundary, and a line parallel thereto. The wetland setback is inclusive of any required wetland buffer area.

**Ordinary High Water Mark:** The point on the bank or shore of a navigable water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

**Shore Yard:** A yard extending across the full width or depth of a lot between the point of the 100-year recurrence interval floodplain or ordinary high water mark of a pond, stream or lake; or a wetland nearest the principal structure and the principal structure nearest the 100-year recurrence interval floodplain or high water mark of a pond, stream or lake, or a wetland.

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